

114

PATENT
ATTORNEY DOCKET NO.: 48462-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Zoltan G. TURI

Application No.: 09/154,274

Filed: September 16, 1998

For: COMPOSITE INTRALUMINAL
GRAFT



Group Art Unit: 3731

Examiner: Unassigned

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

1. Transmitted herewith is a Response to Notice to File Missing Parts of Application mailed October 8, 1998 (a copy of the Notice is enclosed).
2. Declaration Or Oath
 - ☒ No declaration or oath was filed. Enclosed is the original Revocation of Original Power of Attorney and Grant of New Power of Attorney by Assignee.
 - ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
 - ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.
3. English Translation of Non-English Language Papers
 - ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)☒ Verified Statement(s) that this is a filing by a small entity☒ is attached☐ was filed on _____.5. Fee Calculation

			Basic Fee:	\$	790.00
	Number Filed	Number Extra	at a Rate of		
Total Claims	126 - 20	106	x \$22.00	+	2,332.00
Independent Claims	15 - 3	12	x \$82.00	+	984.00
<input checked="" type="checkbox"/> Multiple dependent claim(s)			\$270.00	+	270.00
Missing Parts Surcharge Fee			\$130.00	+	130.00
Subtotal				=	4,506.00
Reduction by 1/2 for filing by a small entity				-	2,253.00
Subtotal				=	2,253.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$ 130.00	+	0.00
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$ 130.00	+	0.00
TOTAL FILING FEE				=	2,253.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	380.00	190.00
<input type="checkbox"/> three months	870.00	435.00
<input type="checkbox"/> four months	1,360.00	680.00

Extension of time fee due with this request: \$190.00

☒ If an additional extension of time is required, please consider this a Petition therefor.

7. Additional papers enclosed:

- ☒ Reissue Declaration by the Assignee
- ☒ Assent of Assignee to Reissue Application
- ☒ Reissue Declaration by the Inventor
- ☒ Certificate Under 37 C.F.R. § 3.73(b)
- ☒ Supplemental Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☒ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

8. Total Fee Payment

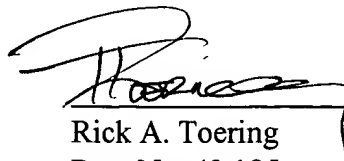
- ☒ Checks in the amounts of \$2,253.00 (for the filing fee of \$395.00, Missing Parts surcharge of \$65.00, additional total claims fee of \$1,658.00, and multiple dependent claims fee of \$135.00); and, \$190.00 (for the request for a two-month extension of time).

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS

Dated: January 28, 1999



Rick A. Toering
Reg. No. 43,195

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MTB/RAT/slm



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sector #

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/154,274

09/16/98

TURJ

Z

RTG-5001

0232/1008

MORGAN LEWIS & BOCKIUS
1800 M STREET NW
WASHINGTON DC 20036-5869

NOT ASSIGNED

3731

DATE MAILED:

10/08/98

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☒ small entity (statement filed) ☐ non-small entity is \$ 3438.

☒ 1. The statutory basic filing fee is:

- ☐ missing
- ☐ insufficient

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 2538, including any multiple dependent claim fees, are required.

\$ 492 for 6 independent claims over 3.

\$ 2046 for 93 dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.102(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

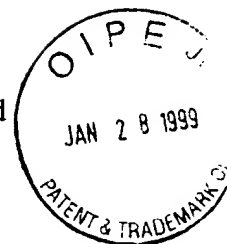
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1/1999 SS/EEKU 0000047-091342/4
1166.00
492.00
135.00
208
210
216
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224

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. Patent Application of Zoltan G. TURI
Application No.: 09/154,274
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5. Reissue Declaration by the Assignee
6. Assent of Assignee to Reissue Application
7. Reissue Declaration by the Inventor
8. Certificate Under 37 C.F.R. § 3.73(b)
9. Statement Claiming Small Entity Status 37 C.F.R. §§ 1.9(f) and 1.27(c)-Small Business Concern
10. Supplemental Preliminary Amendment
11. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Dated: January 28, 1999
Attorney Docket No.: 48462-5001
MTB/RAT/slm

13B
1-29-99